

SCR CHAPTER 99

CONSTRUCTION OF SUPREME COURT RULES

JUDICIAL COUNCIL COMMITTEE'S NOTE, 1979: The following rules relating to construction of supreme court rules are adopted to make the same general criteria used for the construction of statutes under chapter 990 of the statutes applicable to the construction of supreme court rules.

SCR 99.01 Construction of rules; guidelines.

In construing the rules of the Wisconsin supreme court, the following guidelines shall be observed unless the construction would produce a result inconsistent with the manifest intent of the supreme court:

(1) Singular and plural. The singular includes the plural and the plural includes the singular.

(2) Gender. Words importing one gender extend and may be applied to any gender. Any person who by rule is designated a chairperson or other similar title may use another equivalent title such as, in the case of a chairperson, "chairman," "chair," "chairwoman" or other such appropriate title.

(3) Tenses. The present tense of a verb includes the future when applicable. The future perfect tense includes past and future tenses.

(4) Time, how computed. (a) The time within which an act is to be done or proceeding had or taken shall be computed by excluding the first day and including the last; and when any such time is expressed in hours the whole of Sunday and of any legal holiday, from midnight to midnight, shall be excluded.

(b) If the last day within which an act is to be done or proceeding had or taken falls on a Sunday or legal holiday the act may be done or the proceeding had or taken on the next secular day.

(c) When the last day within which a proceeding is to be had or taken or an act done, which consists of any payment to or the service upon or the filing with any judicial officer, agent or agency of the state of any money, return, statement, report, notice or other document, falls on a Saturday and the duly established official office hours of the officer, agent or agency to which the payment is to be made or upon which the service is to be made or with which the return, statement, report, notice or other document is required to be filed, do not include any office hours thereof on the Saturday, the proceeding may be had or taken or such act may be done on the next succeeding day that is not a Sunday or a legal holiday.

(d) Regardless of whether the time limited in any rule for the taking of any proceeding or the doing of an act is measured from an event or from the date or day on which the event occurs, the day on which such

event took place shall be excluded in the computation of such time.

(e) "Legal holiday" as used in this rule means any statewide legal holiday provided in section 757.17 of the statutes. When an act is permitted to be done by the use of the postal service, and the last day within the time prescribed by law for performing the act falls on a legal public holiday under federal law, or other holiday designated by the president such that the postal service does not receive certified mail or make regular deliveries on that day, the day shall be considered a legal holiday for purposes of this rule.

(5) Rule references. If a rule refers, by number, to a group of chapters, rules, subsections or paragraphs of the supreme court rules, the reference includes both the first and the last numbers mentioned.

(6) Rule titles. The titles to subchapters, rules, subsections and paragraphs of the supreme court rules are not part of the rules, except as specifically provided in SCR ch 20.

(7) Construction of revised rules. A revised rule is to be understood in the same sense as the original unless the change in language indicates a different meaning so clearly as to preclude judicial construction.

(8) Joint authority, how exercised. All words purporting to give a joint authority to 3 or more persons shall be construed as giving the authority to a majority of such officers or other persons.

(9) Quorum. A quorum of a public body is a majority of the number of members fixed by rule.

(10) Acts by agents. If a rule requires an act to be done which may legally be done by an agent, the requirement includes all the acts if done by an authorized agent.

(11) Severability. The provisions of the rules are severable. If any provision of the rules is invalid, or if the application to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

(12) Time. If time is referred to, the standard of time as provided by section 175.09 or 175.095 of the statutes, whichever is applicable, is meant.

(13) Rule reference to numerical series. If a rule refers to a numerical series such as 1 to 10, the reference includes both the first and last number mentioned.

(14) Mandatory or permissive actions. The use of "shall" means an action is mandatory. The use of "may" means an action is permissive.

SCR 99.02 Construction of rules; words and phrases.

In construing the rules of the Wisconsin supreme court, the words and phrases which follow shall be construed as indicated unless the

construction would produce a result inconsistent with the manifest intent of the supreme court:

(1) General rule. All words and phrases shall be construed according to common and approved usage; but technical words and phrases and others that have a peculiar meaning in the law shall be construed according to that meaning.

(2) Month. "Month" means a calendar month unless otherwise expressed.

(3) Rule. "Rule" has the meaning specified for the term in SCR 98.01(2).

(4) Week. "Week" means 7 consecutive days.

(5) Year. "Year" means a calendar year, unless otherwise expressed.

SCR 99.03 SCR rule citation.

(1) Within the SCR rules, other SCR rules shall be cited with reference to the SCR number, such as "words and phrases specified in SCR 99.02," except that a reference within an SCR rule to the SCR rule itself shall be cited as "this rule."

(2) Except as provided in sub. (1), rules shall be cited with reference to the SCR number and volume date, such as "words and phrases specified in SCR 99.02 (1979)."

SCR 99.04 Effect of repeals.

(1) No rule repealed by a subsequent supreme court order is revived or affected by the repeal of the repealing order.

(2) The repeal, express or implied, of any rule already repealed, expressly or by implication, does not constitute or supply a declaration or implication that the rule was in force or was valid for any purpose at any time subsequent to the prior repeal.

SCR 99.05 Actions pending.

The repeal of an act does not defeat or impair any liability under the rule before the repeal.